

LAHIVE & COCKFIELD LLP

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1987)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GABRIEL A. DECONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DEANN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINICH, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. MANIA, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
RICHARD MAND
MICHAEL PHILLIPPS
LISA M. DIROCCO
NATHANWAY P. RUSSELL
MARIA LACOSTRIPE ZACHARANS, Ph.D.
PETER A. DIMATTIA
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
DANIEL B. KO

TECHNICAL SPECIALISTS
CYNTHIA M. SORDOS
PETER W. DINI, Ph.D.
EUNMOON LEE
JENNIFER K. ROSENFELD
ALLAN TAMESHITI, Ph.D.
CATHERINE E. MCPHERSON
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.

* Admitted in NY only
** Admitted in TX only

Facsimile Cover Sheet

To: Commissioner for Patents
Office of Initial Patent
Examination

Filing Receipt Corrections

Location: Washington, D.C.

Phone:

Fax: (703) 746-9195

RECEIVED

SEP 18 2002

Technology Center 2600

From: Anthony A. Laurentano
Phone: (617) 227-7400
Fax: (617) 742-4214
Case No.: USSN 10/019,839
Attorney Docket No. HHI-035US

Date: August 30, 2002

Return to: AAL/lgh

**Pages including this
cover page:** 11

Message:

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

EHA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: **BOROWSKY, Hans-Dieter**

Serial No.: 10/019,839 (Conf. No. 8658)

Filed: **May 6, 2002**For: **BEHIND THE EAR HEARING AID
WITH FRONT PLATE (AMENDED)**Attorney Docket No.: **HHI-035US**Group Art Unit: **2643**

Examiner:

Commissioner for Patents
Office of Initial Patent Examination
Filing Receipt Corrections
Washington, D.C. 20231

RECEIVED

SEP 18 2002

Technology Center 2600

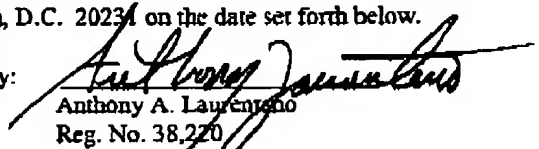
Certificate of Facsimile Transmission (37 CFR 1.8)

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office addressed to: Fax Telephone No. 703-746-9195, Commissioner for Patents, Office of Initial Patent Examination, Filing Receipt Corrections, Washington, D.C. 20231 on the date set forth below.

August 30, 2002

Date of Signature and of Facsimile Transmittal

By:


Anthony A. Laurentino
Reg. No. 38,270
Attorney for ApplicantsREQUEST FOR CORRECTION OF FILING RECEIPT

Dear Sir:

Applicant hereby requests a corrected Filing Receipt be issued in the above-cited application. Please correct the title of the application from "Hearing-Aid Worn Behind the Ear, Comprising a Face Plate" to **BEHIND THE EAR HEARING AID WITH FRONT PLATE**—. A copy of the Preliminary Amendment filed on January 22, 2002 with the above-referenced application is enclosed in support of this correction.

U.S. Serial No. 10/019,839
Group Art Unit 2643

- 2 -

Attorney Docket No. HHI-035US

Applicant also encloses a copy of the Official Filing Receipt received from the U.S. Patent and Trademark Office in connection with this application with the requested change noted thereon.

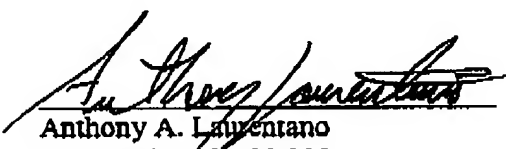
No fees are believed due to effect the necessary corrections. However, if fees are due in connection with the filing of this Request, please charge them to our Deposit Account No. 12-0080.

Please contact the undersigned at 617-227-7400 with any questions.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

28 State Street
Boston, MA 02109
Phone: (617) 227-7400
Fax: (617) 742-4214

Date: August 30, 2002


Anthony A. Laurentano
Registration No. 38,220
Attorney for Applicant

**IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)
(National Phase of International App.: PCT/DE00/02256, W/O 01/05190 A2)**

In re the
application of: **Hans-Dieter BOROWSKY**

International Application No.: **PCT/DE00/02256**

International Filing Date: **4 July 2000**

U.S. Serial No.: **Not Yet Assigned**

Filed: **Herewith**

For: **BEHIND THE EAR HEARING AID WITH
FRONT PLATE (amended)**

Attorney Docket No.: **HHL-035US**

COPY

BOX PCT
Commissioner for Patents
Washington, D.C. 20231

RECEIVED

SEP 18 2002

Technology Center 2600

PRELIMINARY AMENDMENT

Dear Sir:

Preliminary to examination of the above-referenced patent application, please amend the enclosed above-titled International patent application as follows.

In the Specification:

Page 1, line 1, change the title to "**BEHIND THE EAR HEARING AID WITH FRONT PLATE**".

Page 1, line 2, after the title, insert the following "**Background of the Invention**".

Page 1, lines 3-4, please delete "according to the preamble of Claim 1".

Attorney Docket No. 1-035US

Page 1, lines 15-16, please delete the phrase "according to the species".

Page 1, line 17, insert the following title: **"Summary of the Invention"**.

Page 1, lines 18-19, please delete this paragraph.

Page 3, line 1, insert the following title: **"Brief Description of the Drawings"**.

Page 3, line 10, please insert the following title: **"Description of Illustrated Embodiment"**.

In the Claims

Please amend claims 1-5 as follows:

1. (Amended) A behind the ear hearing aid, comprising a housing having a housing shell, an electronic circuit, a power storage unit, and a multi-function plate designed as a front plate and adapted to couple to the housing shell, wherein the multifunction plate includes an access opening for one of the power storage unit and the electronic circuit.
2. (Amended) The hearing aid according to claim 1, wherein the multifunction plate is adapted for use in an in-ear hearing aid and is constructed to match a contour of the housing shell.
3. (Amended) The hearing aid according to claim 1, wherein the front plate is matched to the contour of the housing shell in standard production.
4. (Amended) The hearing aid according to claim 1, wherein the housing shell and the front plate are joined in a detachable manner.

Attorney Docket No. : 1-035US

5. (Amended) A front plate intended for use in an in-ear hearing aid in a behind-the-ear hearing aid, the front plate being modified such that said front plate matches a contour of a housing of the behind-the-ear hearing aid.

Attorney Docket No. 1-035US

REMARKS

Applicants amend the specification to address minor formal matters, such as introducing appropriate section headers. Applicants also amend the claims to remove multiple dependencies, to provide proper antecedent basis, and to address other matters of form. The foregoing amendments introduce no new matter and are not related to issues of patentability.

Entry of the foregoing Preliminary Amendment is in order and requested.

If there are any questions regarding the proposed amendments to the application, we invite the Examiner to call Applicants' representative at the telephone number below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Anthony A. LaDrentano
Registration No. 38,220
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400

Date: 02 January 2002

Attorney Docket No. F-035US

Version With Markings To Show Changes Made

In the Specification

Page 1, line 1, change the title as follows:

BEHIND THE EAR HEARING AID WITH FRONT PLATE
~~HEARING AID
 WORN BEHIND THE EAR, COMPRISING A FACE PLATE~~

Page 1, lines 3-4:

The invention relates to a hearing aid ~~according to the preamble of Claim 1.~~

Page 1, lines 15-16:

The goal of the invention is to improve a hearing aid ~~according to the species so~~
 as to render it simple and inexpensive to manufacture.

RECEIVED

SEP 18 2002

In the Claims

Technology Center 2600

Please amend claims 1-5 as follows.

1. A behind the ear hearing aid, comprising a housing having a housing shell, an electronic circuit, ~~and a power storage unit, characterized in that the hearing aid (6) is constructed from a housing shell (1) and a multi-function plate designed as a front plate (4) and adapted to couple to the housing shell (1), in which wherein the multifunction plate includes the circuit or an access opening for one of the power storage unit and the electronic circuit is provided.~~

2. The hearing aid according to claim 1, ~~characterized by a commercially available mass-produced front plate (4) which is provided wherein the multifunction plate is~~

Attorney Docket No. 1-035US

adapted for use in an in-ear hearing aid and ~~which is modified constructed so as to match~~
~~the a~~ contour of the housing shell ~~(1)~~.

3. The hearing aid according to claim 1, ~~characterized in that the multifunction plate~~
~~is formed of a~~ wherein the front plate ~~(4)~~ which is matched to the contour of the housing
shell ~~(1)~~ in standard production.

4. The hearing aid according to ~~one of claims 1 through 3~~ claim 1, ~~characterized in~~
~~that wherein~~ the housing shell ~~(1)~~ and the front plate ~~(4)~~ are joined in a detachable
manner.

5. ~~Use of a commercially available A~~ front plate ~~(4)~~ intended for use in an in-ear
hearing aid in a behind-the-ear hearing aid, the front plate ~~(4)~~ being modified such that
said front plate matches ~~the a~~ contour of the ~~a~~ housing of the behind-the-ear hearing aid.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/019,839	05/06/2002	2643	510	HHI-035US	1	5	2

CONFIRMATION NO. 8658

Anthony A Laurentano
Lahive & Cockfield
28 State Street
Boston, MA 02109

FILING RECEIPT



OC00000008179488

Date Mailed: 05/31/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Hans-Dieter Borowsky, Neuenkirchen, GERMANY;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/DE00/02256 07/04/2000

Foreign Applications

GERMANY 199 30 935.3 07/07/1999
GERMANY 299 15 308.8 09/01/1999

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Hearing aid worn behind the ear, comprising a face plate

Behind the ear hearing aid with
Preliminary Class front plate

ENTERED

RECEIVED LAHIVE & COCKFIELD DOCKET DEPT.
JUN - 7 2002
RETRIEVED: 6/9
FORWARDED: 6/17 2.5.13

381

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b)